

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID B. DOWNS,
Plaintiff,

v.

GEORGE LOCKE,
Defendant.

CIVIL ACTION

NO. 18-4529

ORDER

AND NOW, this 7th day of August, 2020, upon consideration of Defendant, George Locke's Motion for Reconsideration of Denial of Summary Judgment (Document No. 36, filed June 4, 2020), Plaintiff's Response to Defendant's Motion for Reconsideration of the Court's May 22, 2020 Order Denying Summary Judgment to Defendant, George Locke (Document No. 38, filed June 18, 2020), Plaintiff's (sic) Motion for Reconsideration and/or to Alter/Amend the Court's May 22, 2020 Order and Decision Partially Granting Defendants' Motion for Summary Judgment (Document No. 39, filed June 18, 2020), Defendants, Borough of Jenkintown, Deborah Pancoe and Richard Bunkers' (sic) Response in Opposition to Plaintiffs' Motion for Reconsideration of the Grant of Summary Judgment to the Borough of Jenkintown, Deborah Pancoe and Richard Bunker (Document No. 40, filed July 1, 2020), Defendant, George Locke's Motion to Strike Plaintiffs Exhibit A, the Yanoff Declaration and its Exhibits, Submitted in Response to the Motion for Reconsideration [of] Defendant George Locke (Document No. 41, filed July 3, 2020), Plaintiffs' Response to Defendants' Motion to Strike Declaration of Michael Yanoff From Plaintiff's (sic) Response to Defendant Locke's Motion for Reconsideration (Document No. 44, filed July 13, 2020), for the reasons stated in the accompanying Memorandum dated August 7, 2020, **IT IS ORDERED** as follows:

1. Plaintiff's (sic) Motion for Reconsideration and/or to Alter/Amend the Court's May 22, 2020 Order and Decision Partially Granting Defendants' Motion for Summary Judgment is **DENIED**;

2. Defendant George Locke's Motion for Reconsideration of Denial of Summary Judgment is **GRANTED**. That part of the Court's Memorandum and Order dated May 22, 2020 denying defendants' motion for summary judgment with respect to plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **VACATED**;

3. That part of Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 (Document No. 19, filed November 15, 2019) seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **GRANTED**;

4. Defendant, George Locke's Motion to Strike Plaintiffs Exhibit A, the Yanoff Declaration and its Exhibits, Submitted in Response to the Motion for Reconsideration [of] Defendant George Locke is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that **JUDGMENT IS ENTERED** in **FAVOR** of defendants, Borough of Jenkintown, Debora Pancoe, Richard Bunker, and George Locke, and **AGAINST** plaintiffs, David B. Downs and Margaret A. Downs, with respect to all claims.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.